

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**FOURTH LEGISLATIVE DAY
THURSDAY, JANUARY 12, 2012**

Senate Chamber

President Pro Tempore Hill called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator LeFavour, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Ryan Chapman, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 11, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Fourth Order of Business.

Reading of Communications

September 14, 2011

Ms. Jennifer Novak
Secretary of the Senate
Idaho State Capitol
PO Box 83720
Boise, ID 83720-0054

Dear Secretary of the Senate:

On behalf of the Board of Commissioners of the Idaho State Bar, I am pleased to inform you that the Commission voted to appoint Joel P. Hazel of Coeur D'Alene to replace Anne Solomon, as a member of the Idaho Judicial Council. Mr. Hazel will serve a six-year term commencing on July 1, 2011 and expiring on June 30, 2017. Pursuant to Idaho Code Section 1-2101, the appointment requires the consent of the Idaho Senate.

If you have any questions, or need additional information, please let me know.

Sincerely,
/s/ Diane K. Minnich
Executive Director

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Idaho State Bar appointment was referred to the Judiciary and Rules Committee.

January 11, 2012

Brad Little
President of the Senate
Idaho State Senate

Dear Mr. President:

Pursuant to Section 67-6622, Idaho Code, I submit from the records of this office the enclosed listing of the names of the lobbyists registered under the law.

If we may be of assistance to you in regards to this listing, please do not hesitate to contact this office.

Sincerely,
/s/ Ben Ysursa
Secretary of State

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SJR 102

BY JUDICIARY AND RULES COMMITTEE

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 5, ARTICLE X, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE CONTROL OVER STATE PRISONS; TO PROVIDE THAT THE STATE BOARD OF CORRECTION SHALL HAVE THE CONTROL, DIRECTION AND MANAGEMENT OF ADULT FELONY PROBATION AND PAROLE; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

[SJR 102](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

January 11, 2012

Dear Mr. President:

I transmit herewith Enrolled [HCR 29](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled [HCR 29](#) and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the following attaches were elected to fill the offices provided for by the *Constitution* of the State of Idaho and by statute:

Assistant to Majority Leader Marian Smith
 Assistant to Assistant Majority Leader Lizzie Kukla
 Assistant to Majority Caucus Chair Hannah Mitchell
 Assistant to Secretary of Senate June Keithly
 Journal Clerk Sarah Hendrick
 Calendar Clerk Cari Kaplan
 Minority Chief of Staff Diane Kelly
 Minority Staff Assistant Dan DeLuca
 Minority Staff Assistant Caitlin Lister
 Doorkeeper Al Henderson
 Sergeant at Arms Sarah Jane McDonald
 Assistant Sergeant at Arms Jerry Csutoras

Majority Staff Assistants:

Minutes Editor/Secretary Ann Ingram
 Secretary Diana Page
 Secretary Erin Bennett
 Secretary Janet Drake
 Secretary Shannon Dearing

Committee Secretaries:

Agricultural Affairs Christy Stansell
 Commerce & Human Resources Carol Deis
 Education LeAnn South
 Finance Peggy Moyer
 Health & Welfare Lois Bencken
 Judiciary & Rules Leigh Hinds
 Local Government & Taxation JoAnn Bujarski
 Resources & Environment Juanita Budell
 State Affairs Twyla Melton
 Transportation Gaye Bennett

Senate Chaplain Keith Buhler

Pages:

Ben Adams, Boise
 Chase Bower, Boise
 Ryan Chapman, Boise
 Ben DeMordaunt, Eagle
 Renae Feist, Meridian
 Rebekah Grad, Boise
 Brian Kreis, Boise
 Abigail Mocettini, Boise
 Tess Warzyn, Payette
 Alexander Wright, Boise

Whereupon the President instructed the Sergeant at Arms to escort the attaches to the Desk at which time the Oath of Office was administered to the elected attaches and they were escorted from the Chamber.

Senator LeFavour was recorded present at this order of business.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1213

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO PROCEEDINGS IN THE MAGISTRATE'S DIVISION OF THE DISTRICT COURT; AMENDING SECTION 19-3945, IDAHO CODE, TO REVISE PROVISIONS RELATING TO JURORS' AND WITNESSES' FEES AND MILEAGE AND TO MAKE A TECHNICAL CORRECTION.

S 1214

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE BOARD OF COMMISSIONERS OF THE IDAHO STATE BAR; AMENDING SECTION 3-409, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO ESTABLISH A LICENSE FEE FOR SENIOR MEMBERS.

S 1215

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO ESCAPE OR RESCUE OF PRISONERS; REPEALING SECTION 18-2503, IDAHO CODE, RELATING TO CARRYING PRISONER THINGS TO AID ESCAPE; REPEALING SECTION 18-2510, IDAHO CODE, RELATING TO ILLICIT CONVEYANCE OF ARTICLES INTO CORRECTIONAL FACILITIES; REPEALING SECTION 18-2511, IDAHO CODE, RELATING TO POSSESSION OF A CONTROLLED SUBSTANCE OR DANGEROUS WEAPON; AMENDING CHAPTER 25, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-2510, IDAHO CODE, TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS, INTRODUCE OR REMOVE CERTAIN ARTICLES INTO OR FROM CORRECTIONAL FACILITIES, TO PROVIDE PENALTIES AND TO DEFINE TERMS; AMENDING SECTION 19-5506, IDAHO CODE, AS AMENDED BY SECTION 1, CHAPTER 327, LAWS OF 2005, TO PROVIDE CORRECT CODE REFERENCES; AND AMENDING SECTION 32-1410, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES.

S 1216

BY HAMMOND

AN ACT

RELATING TO INCOME TAX CREDITS; AMENDING SECTION 63-3029C, IDAHO CODE, TO PROVIDE AN INCOME TAX CREDIT FOR DONATIONS TO SPECIALIZED NEEDS RECREATION; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

S 1217

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-514, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN EVALUATIONS; DECLARING AN EMERGENCY; AND PROVIDING A CONTINGENT SUNSET DATE.

[S 1213](#), [S 1214](#), [S 1215](#), [S 1216](#), and [S 1217](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:50 a.m. until the hour of 11:30 a.m., Friday, January 13, 2012.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary